

Town Board Minutes

June 15, 2015

Meeting No. 20

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 15th day of June 2013 at 7:00 P.M. and there were

PRESENT: JOHN ABRAHAM, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
DINO FUDOLI, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
SCOTT PEASE, ASST. CODE ENFORCEMENT OFFICER
GERALD GILL, CHIEF OF POLICE
MARK LUBERA, PARK CREW CHIEF
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

EXECUTIVE SESSION:

AT 8:12 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter.

At 8:37 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, spoke to the Town Board on the following matter:

- Change order for Public Safety Building.

Brainard, Joe, spoke to the Town Board on the following matter:

- Traffic conditions at Genesee Street and Harris Hill Road.

Chowaniec, Lee, spoke to the Town Board on the following matters:

- Approval of site plan for 4931 Transit Road.
- Traffic on William Street and poor condition of William Street.

Fronczak, Mike, spoke to the Town Board on the following matters:

- Change order for Public Safety Building. What are the itemized costs?
- Dumping permit issued for 3803 Bowen Road.
- Kohl's retention pond aeration system is not working and allegations that the geese are leaving the parking lot in a mess.

Kalinka, Mike, spoke to the Town Board on the following matters:

- Speed of traffic on his street.
- Asks that the Fire Department does not blow siren.

Kazmierczak, Tom, spoke to the Town Board on the following matter:

- Source of fill for Bowen Road dumping permit.

Maciuba, Dave, spoke to the Town Board on the following matter:

- Wants commitment from the Board regarding Hidden Pines Subdivision.

Symer, Donald, spoke to the Town Board on the following matter:

- Concerns about the intersection of Walden Avenue and Central Avenue and the New York State Department of Transportation's plan to widen turning radius.

Zaborowski, Paul, spoke to the Town Board on the following matters:

- Questions regarding Comprehensive Master Plan and development of subdivisions.
- Questions regarding acceptable lawn height on private property.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 1 Vehicle & Traffic Ordinance – Stop & Yield Intersections, Cross Creek Subdivision

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the public hearing was opened.

At 7:16 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Vehicle & Traffic Ordinance – Stop & Yield Intersections, Cross Creek Subdivision matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
NONE	

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the public hearing was closed at 7:17 P.M.

Decision on this matter was reserved.

June 15, 2015

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 2 Vehicle & Traffic Ordinance – Miscellaneous & Auxiliary Warnings

ON MOTION BY COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL MEMBER ABRAHM AND CARRIED, the public hearing was opened.

At 7:17 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Vehicle & Traffic Ordinance – Miscellaneous & Auxiliary Warnings matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
NONE	

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the public hearing was closed at 7:17 P.M.

Decision on this matter was reserved.

June 15, 2015

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board
held June 1, 2015 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Assistant to the Supervisor, to wit:

Claim No. 40197 to Claim No. 40425 Inclusive

Total amount hereby authorized to be paid: \$1,058,551.92

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
23956		Scott & Pamela Wilkowski	14 Windcroft Ln	Er. Shed	
23970		Premier Fence Inc.	51 First Ave	Er. Fence	(V/L)
23971		Neth & Son Inc.	3 Sagebrush Ln	Re-Roof	
23972		House Crafters LLC	54 Rehm Rd	Re-Roof	
23973		Patrick M Hayes	668 Pleasant View Dr	Er. Fence	
23974		Switala's Siding Cedar Inc.	161 Nathan's Trl	Re-Roof	
23975		Zenner & Ritter Co Inc	385 Aurora St	Inst. Generator	(V/L)
23976		Stacy Hendel	29 Quincy Ave	Er. Shed	(V/L)
23977		Ronald & Linda Rabent	21 Madison St	Er. Shed	(V/L)
23978		William Zulatowski	5282 William St	Re-Roof	
23979		Michael J O'Neil	68 Sterling Pl	Er. Fence	
23980		Stockmohr Co. Inc.	55 Village View	Re-Roof	
23981		Charles T Riley	24W Home Rd	Er. Res. Add.	
23982		Marlene Miller	107 Southwest Pky	Re-Roof	(V/L)
23983		Kenneth F DeMarzio	8 Red Clover Ln	Er. Pool-Abv Grnd	
23984		Edward & Jaime Kosmoski	4 Westbury Ln	Er. Res. Alt.	
23985		Marlene Canaski	39 Michael Anthony Ln	Re-Roof	
23986		James & Ruth Blanchard	31 Stream View Ln	Re-Roof	
23987		Raymond & Angelique Shatzel	290 Peppermint Rd	Re-Roof	
23988		Jack E Meara	28 Village View	Re-Roof	
23989		Ronald Fuerst	26 Glendale Dr	Re-Roof	
23990		Patrick Jerge	5070 William St	Re-Roof	
23991		Oasis Irrigation	28 Cedar Brook Dr	Inst. Ingrnd. Sprinkler	
23992		Bowen Road Acquisition LLC	3916 Bowen Rd	Er. Deck	
23993		Lancaster Properties Assoc	4875 Transit Rd	Re-Roof	
23994		Joel & Jacquelyn Monacelli	15 Country Pl	Er. Pool-Abv Grnd	
23995		John Carubba	1436 Townline Rd	Er. Shed	
23996		Jason Necci	93 Steinfeldt Rd	Er. Pool-Abv Grnd	
23997		Steve Simme	204 Pavement Rd	Er. Shed	
23998		Richard & Susan Cole	82 Wilma Dr	Re-Roof	(V/L)
23999		Michael & Ashley Schimenti	32 Middlebury Ln	Er. Fence	
24000		Drayton J Wienckowski	23S Irwinwood Rd	Er. Fence	(V/L)
24001		Expert Fence Company Inc.	21 Michael Anthony Ln	Er. Fence	
24002		Michael Mordino	37 Bentley Cir	Er. Porch	
24003		Daniel W Utech	2 Pheasant Run Ln	Re-Roof	
24004		Michael T. Donoghue	24 Stone Hedge Dr	Er. Pool-In Grnd	
24005		Michelle Alberts	70 Middlebury Ln	Er. Fence	
24006		Fairway Hills Development	25 Pear Tree Ln	Er. Dwlg.-Sin.	
24007		Presbyterian Soc of Cayuga Crk	5477 Broadway	Er. Sign - Pole	(V/L)
24008		Gee Roger	117 Stutzman Rd	Er. Fence	
24009		Scott Benaglio	15 Court St	Er. Shed	(V/L)
24010		John & Susan Kane	12 Broadmoor Ct	Er. Deck	
24011		Michael & Susan Szymanski	2 Bridlepath Ln	Er. Pool-Abv Grnd	
24012		Brian Ellsworth	15 Pauline Ct	Er. Dwlg.-Sin.	
24013		Frances Todaro	188 Ransom Rd	Er. Fence	
24014		Frances Todaro	188 Ransom Rd	Er. Pool-In Grnd	
24015		Nancy Shane	171 Pleasant View Dr	Er. Fence	
24016		Mark & Anita Leon Sr.	42 Woodgate Dr	Er. Fence	
24017		Daniel & Shelley Petoski	12 Summerfield Dr	Er. Pool-Abv Grnd	
24018		Antonio & Melissa Mercado	92 Kennedy Ct	Er. Fence	
24019		Fairways at Lancaster LLC	5354 Genesee St	Install Tank(s)	
24020		Michelle Alberts	70 Middlebury Ln	Er. Pool-In Grnd	

24021	Brian Crover	691 Ransom Rd	Er. Pool-Abv Grnd	
24022	Joshua Monaco	274 Lake Ave	Re-Roof	(V/L)
24023	Victor Kilchyk	38 Middlebury Ln	Er. Fence	
24024	Arthur Markus	16 Brunck Rd	Er. Fence	
24025	Marrao/Marc Equity Corp.	10 Jonquille Ct	Er. Dwlg.-Sin.	
24026	Scott & Crystal Horvatits	1 Joseph Dr.	Er. Shed	
24027	Rosemary Maloney	69 Southwest Pky	Er. Deck	(V/L)
24028	Roy's Plumbing Inc.	4979 Transit Rd	Er. Comm. Add./Alt.	
24029	Raymond & Patricia Hill	313 Ransom Rd	Er. Garage	
24030	Moeller Sign Service	6647 Transit Rd	Er. Sign - Pole	
24031	Essex Homes of Western NY Inc.	11 Darien Ct	Er. Dwlg.-Sin.	
24032	Daniel & Shelley Petoski	12 Summerfield Dr	Er. Deck	
24033	Thomas J Cutrona Sr.	316 Enchanted Forest N	Er. Fence	
24034	Jeremy Glow	80 Sawyer Ave	Er. Shed	(V/L)
24035	Christopher Manuszewski	529 Aurora St	Er. Pool-Abv Grnd	
24036	Fairways at Lancaster LLC	5360 Genesee St	Er. Townhouses	
24037	Fairways at Lancaster LLC	5360 Genesee St	Er. Townhouses	
24038	Fairways at Lancaster LLC	5360 Genesee St	Er. Townhouses	
24039	Fairways at Lancaster LLC	5360 Genesee St	Er. Townhouses	
24040	Geo Roger	117 Stutzman Rd	Er. Shed	
24041	James D. Revelas	28 Avian Way	Er. Deck	
24042	Pleasant Meadows Assocs LLC	30 Magrum Ln	Er. Dwlg.-Sin.	
24043	Marrano/Marc Equity Corp	2 Cumberland St	Er. Townhouses	
24044	David & Christine Szeluga	28 Parkedge Dr	Re-Roof	
24045	Superior Decks & Gazebos Inc.	119 Hinchey Ave	Er. Deck	(V/L)
24046	Superior Decks & Gazebos Inc.	21 Sagebrush Ln	Er. Deck	
24047	Marrano/Marc Equity Corp	4 Cumberland St	Er. Townhouses	
24048	ECC Electrical Construction	8 Dover Ct	Inst. Generator	
24049	The Kaz Company	11 Partridge Walk	Re-Roof	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Jennifer Cuttitta, the owner of real property situate at **510 Town Line Road**, Lancaster, New York, has submitted an application for a Special Use Permit for a Home Occupation (Hair Salon) in accordance with the provisions of Chapter Chapter 50-Zoning, Section 17-Supplementary regulations for all residential districts (F) “Home Occupations” of the Code of the Town of Lancaster.

**NOW THEREFORE, BE IT
RESOLVED, as follows:**

That pursuant to Chapter 50-Zoning, Section 17(F), entitled Zoning, Supplementary regulations for all residential districts, Home Occupations, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a Home Occupation (Hair Salon) on premises locally known as 510 Town Line Road, Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York , on the 6th day of July 2015 at 7:15 o’clock P.M. Local Time, and the notice of the time and place of such hearing be published in a newspaper of general circulation in said Town, and posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the from attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
SPECIAL USE PERMIT – CUTTITTA**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in 50-17(F) Zoning, Supplementary regulations for all residential districts, Home Occupations of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 15th day of June, 2015 the Town Board will hold a Public Hearing on the 6th day of July, 2015 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of **Jennifer Cuttitta**, for a Special Use Permit for a Home Occupation (hair salon) on premises locally known as 510 Town Line Road, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

June 18, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated June 1, 2015, has requested the addition of a member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individual:

ADDITION:

Brett Lesser
East Amherst, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Benderson Development Company, LLC, has submitted a site plan prepared by Pinewoods Engineering, P.C., dated December 8, 2014 and received January 8, 2015 for the proposed construction of an 11,920± square foot retail building to be located at 4931 Transit Road, in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was approved at their February 4, 2015 meeting, and

WHEREAS, the Town, acting as lead agency has completed an environmental review on March 2, 2015, in conformance with SEQR (State Environmental Quality Review) regulations and on March 16, 2015 a Negative Declaration was issued

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by **Benderson Development Company, LLC**, prepared by Pinewoods Engineering, P.C., dated December 8, 2014 and received January 8, 2015 for the proposed construction of an 11,920± square foot retail building located at 4931 Transit Road in the Town of Lancaster with the following condition:

- All Variances are granted by the Town of Lancaster’s Zoning Board of Appeals.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Jeffrey T. Bocchiechio, 350 Main Street, Suite 1400, Buffalo, New York 14202, has petitioned the Town Board of the Town of Lancaster for the rezone of a parcel of land located at 00 Broadway (S.B.L. No.116.00-1-5.13), Lancaster, New York from a Residential District (R-1) to Multifamily Residential District Three (MFR-3), and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and was approved at their May 20, 2015 meeting.

NOW, THEREFORE

BE IT RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 6th day of July, 2015, at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the local newspaper of general circulation in said Town and be on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

LEGAL NOTICE
REZONE-PUBLIC HEARING
00 BROADWAY (116.00-1-5.13)
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on June 15, 2015, the said Town Board will hold a Public Hearing on the 6th day of July, 2015 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a Residential District (R-1) to Multifamily Residential District Three (MFR-3), for the property located at 00 Broadway (SBL. No. 116.00-1-5.13) within the Town of Lancaster, New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE TOWN
OF LANCASTER**

BY: JOHANNA M. COLEMAN
Town Clerk

June 18, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town of Lancaster has received a proposal from The Leahy Company, Inc., 53 South Moger Ave., Mount Kisko, NY 10549, as presented, to conduct a complete review of the Town’s Workers’ Compensation Insurance premium calculations applicable to the July 1, 2013 – July 1, 2014 policy period and all prior periods as permitted by the carrier(s) and rating authority(ies), for the purpose of identifying and correcting any errors, and

WHEREAS, corrections, if any, may result in refunds, reduced premiums or credits from our carrier(s), and

WHEREAS, the Town will pay a fee to The Leahy Company of 50% of any and all actual refunds, reduced premiums or credits received as a result of their work on the Town’s behalf and if there is no recovery, there is no fee,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to sign the Letter of Agreement with The Leahy Company, Inc. for the services as specified in the above-mentioned proposal dated May 29, 2015.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Board is considering the construction by Forbes Homes, Inc. of an 88 +/- lot single family detached residential subdivision located at 657 Aurora Street in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on May 4, 2015 and recommended that a Negative Declaration be issued, and

WHEREAS, the New York State Historic Preservation Office has reviewed the project and per their letter dated May 20, 2015 has determined that no historic properties will be affected by this undertaking, and

WHEREAS, the Town Board has duly considered the plans for the building, the long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled a “Type I” action under SEQRA.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. This project is described as the construction of an 88± lot, single family detached residential subdivision on a 47± acre parcel of land off of the west side of Aurora Street, in the Town of Lancaster, and it will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: June 15, 2015

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed construction of an 88± lot, single family detached residential subdivision on a 47± acre parcel of land. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Hidden Meadow Subdivision.

Location of Action: 657 Aurora Street, Lancaster, New York 14086, Erie County.

SEQR Status: Type I Action.

Description of Action: The construction of a 88± lot, single family detached residential subdivision on a 47± acre parcel of land off of the west side of Aurora Street, in the Town of Lancaster.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. Impact on land - Small

- Construction is on land where the depth to the water table is less than three feet and project construction will continue for more than one year.

2. Impact on Geological Features – No impact

3. Impacts on Surface Water – Small

- Construction is adjoining wetlands and Slate Bottom Creek.
- Pesticide and herbicide will be used for lawn care.

4. Impact on Groundwater – No impact

5. Impact on Flooding – Small

- Development will occur within a 100 year floodplain and may require modification of existing drainage patterns.

6. Impact on Air – No impact

7. Impact on Plants and Animals – No impact

8. Impact on Agricultural Resources – Small

- The subject property has recently been farmed.

9. **Impact on Aesthetic Resources – Small**
 - There are similar projects visible within one half mile.
10. **Impact on Historic and Archeological Resources – Small**
 - New York State Department of Environmental Conservation indicated the proposed project may be in an Historic area, however, New York State Historic Preservation Office does not show it on their map as a sensitive area.
11. **Impact on Open Space and Recreation – Small**
 - Any impact will be mitigated by the Army Corps of Engineers permit requirement.
12. **Impact on Critical Environmental Areas – N/A**
 - The Town of Lancaster has not established a Critical Environmental Area (CEA).
13. **Impact on Transportation – No impact**
14. **Impact on Energy – No impact**
15. **Impact on Noise, Odor and Light – Small**
 - The proposed action may produce sound above established noise levels during construction.
16. **Impact on Human Health – No impact**
17. **Consistency with Community Plans – No impact**
18. **Consistency with Community Character – Small**
 - The proposed action may create demand for additional School, Fire and Police service.

For Further Information:

Contact Person:	John M. Dudziak, Town Attorney Town of Lancaster
Address:	21 Central Avenue Lancaster, New York 14086
Telephone Number:	(716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Nellie Konst, 3803 Bowen Road, Lancaster, New York 14086
has applied for a Dumping Permit for property situated on 3803 Bowen Road, within the
Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town
Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer, by letter dated June
4, 2015 have completed their review and made a formal, favorable recommendation to the
Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that Nellie Konst, 3803 Bowen Road, Lancaster, New York be
and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills
within the Town of Lancaster, namely on premises owned by the applicant situated on 3803
Bowen Road, said dumping to be in strict conformance with the application of the petitioner
as filed in the Office of the Town Clerk, and

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the
recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of dirt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Fill area shall be graded and seeded upon completion of filling.
5. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday thru Saturday. No dumping shall be allowed on Sunday.
6. Dust from the site shall also be prevented from migrating off site.
7. Fill shall only be placed in the areas which are indicated on the plot plan.
8. No signage for dumping allowed.
9. The source of fill is 2489 Walden Avenue.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	NO
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Recreation Leader of the Town of Lancaster Senior Center, by letter dated June 3, 2015, has recommended the appointment of one (1) individual to the position of Recreation Attendant part-time permanent at the Senior Center, working not more than nineteen and three-quarter hours per week.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual be and is hereby appointed to the position of Recreation Attendant part-time permanent at the Town of Lancaster Senior Center, working not more than nineteen and three-quarter hours per week, effective June 30, 2015, and that this being a part-time position, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees:

<u>NAME</u>	<u>PAY RATE/HR.</u>
Kimberly Herdzik Lancaster, NY	\$ 9.00

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated June 10, 2015, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

NOW, THEREFORE, BE IT

RESOLVED, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Parks, Recreation and Forestry Department, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Alexi Achtyl (new hire) Lancaster, NY	Lifeguard (Substitute)	\$10.00	June 16, 2015
Diana Franzone (new hire) Lancaster, NY	Lifeguard (Substitute)	\$10.00	June 16, 2015

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated June 10, 2015, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

NOW, THEREFORE, BE IT

RESOLVED, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Youth Bureau, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Bradley Beiter (rehire) Hamburg, NY	Tutor	\$15.00 hr.	June 15, 2015

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

A motion to amend the following resolution was made by Council Member Ruffino, and seconded by Council Member Abraham for the purpose of deleting the following text: “and roof inspections” and changing the resulting computation by deleting the change order amount - \$58,282.50 and replacing the change order amount with \$56,508.05. This amendment effectuated a new contract sum of \$5,117,508.05.

The question was duly put to a vote, which resulted as follows:
ALL IN FAVOR, NONE OPPOSED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Javen Construction Company, Inc., 2575 Baird Road, Penfield, NY 14526, the contractor for providing general construction work for the new Police and Court Building (Public Safety Building), has submitted Change Order No.G-3 in the amount of \$58,282.50 to the Town Board for their approval, based on the descriptions of additional work to be performed provided to the Town Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. G-3 to Javen Construction Company, Inc., with respect to the outlined descriptions previously provided to the Town Board:

DESCRIPTION OF CHANGE ORDER NO. G-3:

Additional compensation for work not in original bid spec which includes bollards work, concrete floor and damaged fence repair, and additional door work.

CHANGE ORDER NO. G- 3:

The original Contract Sum was	\$ 4,636,000.00
The Contract Sum increased by Change Order #1 in the amount of....	\$ 350,000.00
The Contract Sum increased by Change Order #2 in the amount of....	\$ 75,000.00
The Contract Sum will be increased by this Change Order in the amount of....	\$ 56,508.05
The new Contract Sum increased including this Change Order will be	\$ 5,117,508.05

BE IT FURTHER RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

June 15, 2015

COMMUNICATIONS & REPORTS

- 398. Debra Benedick to Supervisor and Town Board –
Information and request for a dog park to be located in the Town of Lancaster.
Disposition = Received & Filed**
- 399. Deborah Diagne and Debra Manuszewski to Mayor of Depew, Town of Lancaster
Supervisor, Wegman's Store Manager, Target Store Manager, Tops Store
Manager, Walmart Store Manager, Kohl's Store Manager –
Copy of letter to NFTA and request for assistance regarding a bus route on
Transit Road. Disposition = Received & Filed**
- 400. Planning Board Chairman to Town Board, Planning Board, Town Engineer, Town
Attorney, Highway Superintendent and Building Inspector –
Draft minutes from Planning Board meeting held on May 20, 2015.
Disposition = Received & Filed**
- 401. Planning Board to Town Board –
Recommend approval of rezone petition for Bochiechio Condominiums, 5802
Broadway (behind Alden State Bank); condition noted.
Disposition = Planning Committee**
- 402. Planning Board to Town Board –
Recommend approval of site plan for Superior Pallets, Walden Ave. (behind
Orvilles Appliances), Proj. #3015; conditions noted. Disposition = For Resolution**
- 403. Planning Board to Town Board –
Recommend approval of site plan for Adam's Nursery – Expansion, 5799 Genesee
St., Proj. 5028; condition noted. Disposition = Received & Filed**
- 404. Town Clerk to Town Board –
Update on dog license renewals and dog census.
Disposition = Planning Committee**
- 405. Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept., Division
of Sewerage Management, NYSDOT, Erie County DEP –
Request lead agency designation regarding Sport Arena at the Rose Garden, 2753
Wehrle Dr., 120' X 220' steel building, (Proj. #1501).
Disposition = Received & Filed**
- 406. Town Attorney to Town Board and Planning Board –
SEQR response from NYS Dept. of Transportation regarding Superior Pallets,
Inc., 3893 Walden Ave., (Proj. #3015). Disposition = Received & Filed**
- 407. Dog Control Officer to Town Board –
Report for the month of February 2015. Disposition = Received & Filed**
- 408. Jeanne Feldmann to Town Board –
Notice of last day of employment to be on Friday, June 19, 2015.
Disposition = Received & Filed**
- 409. Town Clerk to Town Board –
Copy of fourth settlement payment to Erie County for 2015 Monthly County
Settlement. Disposition = Received & Filed**
- 410. Erie County Legislator Ted Morton to County Executive Mark Polancarz –
Copy of letter encouraging support for the widening of William Street between
Transit Road and Aurora Street. Disposition = Received & Filed**
- 411. Town Line Volunteer Fire Department to Town Clerk –
Change in roster. Disposition = Resolution 6/15/15**

412. Kathleen McDonald, Depew Village Attorney to Town Clerk –
Consent for the Town of Lancaster to proceed with variance petition for
590 Columbia Avenue, Lancaster, NY. Disposition = Received & Filed
413. Erie County Board of Elections to Town Clerk –
Notice of buildings used for 2015 primary and general election dates.
Disposition = Received & Filed
414. Park Crew Chief to Planning Board Chairman, Planning Board, Council Member
Abraham, Council Member Ruffino, and Council Member Stempniak --
Additional information required to make a recommendation on landscaping for
Sports Arena, 2753 Wehrle Drive (Proj. #1501). Disposition = Received & Filed
415. David and Susan Chaves to Town Board –
Letter of opposition to rezone petition for 5335 William Street at Bowen Road.
Determination = Received & Filed
416. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Environment & Planning Div. of
Sewerage Management regarding Adam's Nursery greenhouse expansion,
5799 Genesee St. (Proj. #5028). Disposition = Planning Committee
417. Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector,
Town Engineer, and Town Clerk –
Notice of SEQR meeting on June 15, 2015 at 6:15 PM regarding Cell Tower Lease
& Application for Special Use Permit Waiver for Verizon Wireless
Telecommunications Facility, 525 Pavement Road.
Disposition = Planning Committee
418. Town Clerk to Various News Media –
Notice of Municipal Review Committee meeting on June 15, 2015 at 6:15 PM for
SEQR Review – Cell Tower Lease & Application for Special Use Permit Waiver
Verizon Wireless Telecommunication Facility. Disposition = Received & Filed
419. Town Engineer and Town Building Inspector to Town Board –
Recommend approval of dumping permit with conditions for Nellie Konst,
3803 Bowen Road. Disposition = Resolution 6/15/15
420. Planning Board Chairman to Town Board, Planning Board, Town Engineer, Town
Attorney, Highway Superintendent and Building Inspector –
Draft minutes from Planning Board meeting held on June 3, 2015.
Disposition = Received & Filed
421. Town Clerk to Town Board –
Clerk's monthly report for May 2015. Disposition = Received & Filed
422. Director of Senior Center to Supervisor –
Request to hire Kimberly Herdzik for a position in the Nutrition Department at
the Lancaster Senior Center effective June 30, 2015.
Disposition = Resolution 6/15/15
423. Tom Doering to Town Clerk –
Request for traffic control on Juniper Boulevard. Disposition = Received & Filed
424. Town Attorney to Town Board and Planning Board –
SEQR response from NYS Dept. of Environmental Conservation regarding
Bochiechio Condominium Project, Rezone 00 Broadway.
Disposition = Received & Filed

- 425. NYS Senator Patrick Gallivan to Town Clerk –**
Letter acknowledging receipt of resolution requesting New York State appropriately disburse the funds collected through the public safety communications surcharge as laid out in Senate Bill 2963.
Disposition = Received & Filed
- 426. Town Attorney to Town Board and Planning Board –**
SEQR response from NYS Dept. of Environmental Conservation regarding Hamlet Meadows, 375 Harris Hill Road (Proj. #1404).
Disposition = Received & Filed
- 427. Town Attorney to Town Board and Planning Board –**
SEQR response from NYS Dept. of Transportation regarding Bochiechio Condominium Project, Rezone 00 Broadway. Disposition = Planning Committee
- 428. Executive Director of the Youth Bureau to Supervisor and Council Member Ruffino –**
Copy of letter from Karen Schanne, School/Community Social Worker, stating her intent to retire effective July 6, 2015, and the Executive Director's request for the Town of Lancaster to continue in providing a Joint Social Work Counselor Program with Lancaster Central School District. Disposition = Received & Filed
- 429. Park Crew Chief to Supervisor and Town Board –**
Request for resolution to appoint two individuals to the position of part-time temporary seasonal employee for the summer of 2015 in the Parks, Recreation & Forestry Dept. Disposition = Resolution 6/15/15
- 430. Lancaster residents to Town Board –**
Signed petition opposing the 5335 William Street rezone project.
Disposition = Received & Filed
- 431. Town Clerk to Town Board –**
Special Use Permit Application for Lynette Metzger, 33 Meadow Lea Drive.
Disposition = For Resolution

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY
COUNCIL MEMBER ABRAHAM AND CARRIED**, the meeting was adjourned at
8:37 P.M.

Signed _____
Johanna M. Coleman, Town Clerk